



# Town of Southern Shores

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Southern Shores Town Council  
Town of Southern Shores, North Carolina  
Regular Meeting  
March 28, 2006  
9:00 a.m.-Pitts Center

## MINUTES

The Southern Shores Town Council met on March 28, 2006, at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Council Members Dan Shields, Jodi Hess, David Sanders, and Brian McDonald.

Also present were: Carl Classen, Town manager and Carrie Gordin, Town clerk.

### OPENING

Mayor Smith called the meeting to order at 9:00 a.m., led the Pledge of Allegiance and held a moment of silence.

### APPROVAL OF AGENDA

Council Member McDonald moved to amend the agenda to include under New Business H. The Cove Multi-Family Subdivision permit extension request. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

### PUBLIC COMMENT

Mike Stone, 8 Sandfiddler Court, stated that Council's decision to leave the roll back trash can issue as is and providing extra cans at the Public Works Department is not correcting the problem. He requested that Council reconsider their decision and provide the service to pull cans back and not place a fine on property owners for not complying.

## **REPORTS**

### **Planning Board**

Jim Groff, Chairman of the Planning Board presented March 20, 2006 report.

Discussion was held by Council regarding Draft Ordinance No. 2006-01-PB1 amending the zoning ordinance relating to Dimensional Requirements for Churches. Specifically: Amend the Zoning Ordinance, Section 7.01 C. 4 (RS-1, Single Family Residential District). Delete "Churches" as a permitted conditional use and amend the Zoning Ordinance, Section 7.04 R-1 Low Density Residential.

Mr. Classen recommends that Council discuss further with the Town attorney before a decision is made. There are two ordinances applicable to the church property (1) amending the Town's Zoning Map from RS-1 to R-1 (Ordinance 2006-02-02-Public Hearing set for April 4, 2006) and (2) Ordinance No. 2006-01-PB1- dimensional requirement changes. He stated that the items could be placed on the May Council agenda for consideration.

The Planning Board is recommending approval of the appointments of George Kowalski and Georgine Poisal as Planning Board members to the Hazard Mitigation Planning Committee in place of Mimi Iacone and Jim Groff.

(Clerk's Note: A copy of the March 20, 2006 Planning Board Report is attached hereto as Exhibit A and made part of these minutes).

### **Vegetation Advisory Board**

Jack Sheehan, Chairman of the Vegetation Advisory Board presented a preliminary Vegetation Management Plan. The preliminary plan would be presented at a public information meeting and from discussion following that meeting a final report would be submitted to Council. Chairman Sheehan thanked all of his committee members for all their hard work.

Jim Conners, 83 Duck Woods Drive, requested that Council review past correspondence that he provided to Council before accepting the plan.

## **OLD BUSINESS**

### **Hazard Mitigation Insurance Presentation**

Mike Hejduk, Code Enforcement Administrator, provided a report on the Town's Hazard Mitigation Plan, which needs to be updated every five years.

Long Range Plan- Item to be placed on April 4 agenda

Code of Ethics Policy (revised) – Item to be placed on April 4 agenda

Rules of Procedure

Mr. Classen stated that Council discussed the need to adopt policies and procedures for the Town Council and Council has received copies of *Suggested Rules of Procedure for a City Council* from the UNC School of Government.

Following discussion, Mayor pro tem Shields moved to appoint Council Member Hess and himself to work with the Town manager on reviewing the book and make recommendations to Council. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

NEW BUSINESSPlanning Board RecommendationsLDA -2005-12-01- All Saint's Church

Delay action until after the April 4 Public Hearing on the Zoning Map amendment for the All Saint's Church property.

LDA-2006-03-01- The Market Place-Site Plan Amendment

Place item on April 4 agenda

Zoning Ordinance-Political Signs

Mr. Classen provided a letter received from the American Civil Liberties Union (ACLU) regarding Southern Shores Zoning Ordinance provisions regarding political signs as well as a memo from the Town Attorney on the same topic. Mr. Classen stated that the Town has retained Mr. Gary Ferguson to assist with updating the Town's Zoning and Subdivision ordinances and this issue should be included for review by Mr. Ferguson.

Following discussion and hearing no objection, Mayor Smith directed the Town manager to work with the Town attorney to draft language in accordance to the ACLU letter.

Solid Waste Plan

Mr. Classen provided information to Council regarding the update of the Town's Solid Waste Plan. Mr. Classen received a letter from Anne Blindt, Albemarle Regional Solid Waste Authority stating that each Town and the County [Dare County] needs to update their 10-year Solid Waste Plan and it needs to pass by resolution in June 2006. The county plan includes plans for all of the towns except Southern Shores. Mr. Classen stated that the Town, as in the past, can develop a separate plan but needs to follow the State guidelines for what to include in the plan or have its plan as part of the Dare County plan.

Following discussion and hearing no objection, Mayor Smith directed the Town manager to proceed to work with the County in developing the Town's Solid Waste Plan.

Teitjen Offer

Mr. Classen reviewed an offer with Council from Dr. John Tietjen 13 Skyline Rd., a long-time Southern Shores property owner who has offered to donate his cottage to the Town.

Following discussion and hearing no objection, Mayor Smith directed the Town manager to meet with Mr. Tietjen to discuss what stipulations and what cost would there be to accept the offer and that the Town manager report back to Council.

Mid-Currituck Bridge Sign

Mr. Classen stated that it has been brought to his attention that the Mid-Currituck Bridge sign (affiliated with the Build Our Bridge/Preserve Our Road Board, BB/PR) placed at the intersection of NC12/Ocean Boulevard is down and has some damage.

Following discussion and hearing no objection, Mayor Smith appointed Council Member Hess to meet with the BB/PR Board for their recommendations of replacing the sign and report back to Council.

East Holly Trail Cul-de-Sac

Mr. Classen provided correspondence from Pam Cotter, 134 East Holly Trail, who is asking the Town to re-start the East Holly Trail cul-de-Sac Improvement Project. He explained this request was originally included with the Beech Tree Trail as part of the 2005 Spring Road Improvement Project but that part of the project was deleted when adequate rights-of-way could not be obtained from the adjacent property owners.

Following discussion and hearing no objection, Mayor Smith directed the Town manager to place this project in the CIP for the 2006-07 budget.

Ginguite Pond Offer

Mr. Classen provided a letter from Mickey Hayes of the Kitty Hawk Land Company offering to donate Ginguite Pond to the Town as previously discussed when an adequate overflow device was installed to prevent flooding in the area. Mr. Classen stated that the installation has been completed pursuant to the Town's engineer's specifications.

Hearing no objection, Mayor Smith directed the Town manager to contact Mr. Hayes and move ahead with the transaction.

The Cove Site Plan Extension Request

Mr. Classen provided a letter from the developers of The Cove multi-family housing development requesting an additional 45-day extension of their existing permit. This would extend the permit to June 17, 2006. The request was received on March 27, 2006 at the Town Office and has not been reviewed by the Planning Board. The original permit was to expire on February 3, 2006 but was extended by the Town Council on January 3, 2006 for ninety (90) days through May 3, 2006.

Following discussion and hearing no objection, Mayor Smith directed the request to be returned to the Planning Board.

**OPERATIONS UPDATE**

Mr. Classen provided Council with a summary of issues. No comments were made.

**OTHER ITEMS**

**Council Items**

Council Member McDonald requested changing the beginning time of the fourth Tuesday Council meeting to 8:00 a.m. instead of 9:00 a.m. Following discussion and hearing no objection, Mayor Smith directed the Town manager to amend the Council Meeting Schedule with the noted change and submit at the April 4 Council meeting.

**Mayor Items**

Mayor Smith asked the Town manager to provide him with copy of the distribution of County taxes to the municipalities by ad valorem and by population so that he may discuss at the Mayor's luncheon with the other mayors.

Mayor Smith requested Council consider changing the May mid-month meeting date due to his being away on vacation that has been planned for a year. Council will review their calendars and decide if another date can be announced.

Mayor Smith requested that the Police Department monthly report be given at the first monthly Council meeting. Hearing no objection, Mayor Smith so moved.

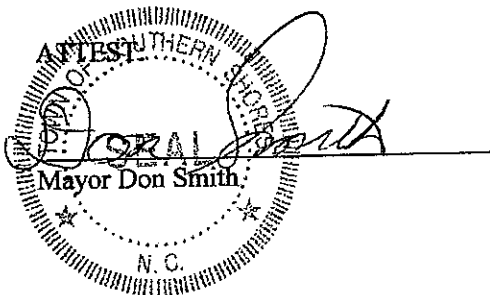
Mayor Smith requested an update on the collection of Town parking tickets. Following discussion and hearing no objection, Mayor Smith directed the Town manager to draft an amendment to change, by increasing, the fee for parking tickets, using a step fee plan if applicable, and submit to Council for review.

Mayor Smith has a request to adopt a Proclamation for April-Kite Flying Month –Place on April 4 agenda.

**PUBLIC COMMENT**

Jim Conners, 83 Duck Woods Drive, asked if SSCA property on Duck Woods Drive could be used for spoil sites. Mr. Classen stated this would need to be discussed with SSCA.

Hearing no further business, Mayor Smith moved to adjourn at 12:15 p.m. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and McDonald voting aye; Council Member Sanders absent and no Council Member voting no.



Respectfully submitted:

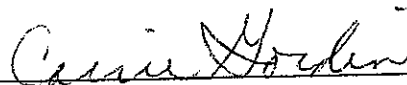
  
Carrie Gordin, Town Clerk

EXHIBIT A

# Memorandum

**To:** Southern Shores Town Council  
**CC:** Southern Shores Town Manager  
**From:** Jim Groff, Chairman, Planning Board  
**Date:** 5/4/2006  
**Re:** Recap, Planning Board Meeting of March 20, 2006

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Planning Board recommended action for the Town Council.

1. Approve, as amended, Draft Ordinance No. 2006-01-PB1 amending the zoning ordinance relating to Dimensional Requirements for Churches. Specifically:

- a. Amend the Zoning Ordinance, Section 7.01 C. 4 (RS-1, Single Family Residential District). Delete "Churches" as a permitted conditional use.
- b. Amend the Zoning Ordinance, Section 7.04 (R-1 Low Density Residential) by adding the following language:
  1. D. Dimensional Requirements (with the exception of churches)
  2. E. Dimensional Requirements for Churches
    - a) Minimum Lot Size: 20,000 square feet
    - b) Minimum lot width: 100 feet (measured at the building setback line)
    - c) Minimum front yard (setback): 25 feet
    - d) Minimum side yard (setback): 15 feet
    - e) Minimum rear yard (setback): 25 feet
    - f) Maximum allowable lot coverage: 30%
    - g) Height: Top plate height shall not exceed 56 feet. Notwithstanding the provisions of Section 4.11. Total maximum height, including Steeple and all appurtenances, shall not exceed 65 feet.

- h) **Multiple Primary Buildings: May have multiple primary buildings on site provided these buildings are connected by covered breezeways or walkways.**

2. Approve, with conditions recommended by staff, LDA 2006-03-01, the Market Place, Movie Theater Conversion.
3. Approve the appointments of George Kowalski and Georgine Poisal as Planning Board members to the Hazard Mitigation Planning Committee in place of Mimi Iacone and Jim Groff.

**Organization:** Chairman Groff called the meeting to order at 7:10 PM. Planning Board members Kowalski, Walter, Peckens and Alternates Poisal, (sitting for Member Russell, excused), and McDanel, were present. Also present were Code Enforcement Administrator Hejduk and Administrative Assistant, Gabrys. In attendance were All Saints' Church representatives T. Judge and R. Edwards, and Ziff Properties representative L. Agin. Subsequent to approval of the agenda, the Board deferred approval of the minutes of its February 20<sup>th</sup> meeting pending clarification of one issue.

**Public Comment:** None

**Committee Reports:**

1. **J. Walter** advised that the Town Council would discuss the **Long Range Planning Committee's** report at its March 28<sup>th</sup> Workshop.
2. **G. Kowalski** encouraged Board members to attend the March 28<sup>th</sup> Council Workshop or the April 5<sup>th</sup> **Stormwater Management Advisory Committee's** meeting for an overview of the Quible stormwater report.
3. **M. McDanel** reported that the **Home Occupation Committee's** proposed regulations have been forwarded to the Town Manager to draft a proposed ordinance for consideration by the Board and Town Council.

**Applications:**

1. **Draft Ordinance No. 2006-01- PB1 Amending the Zoning Ordinance relating to churches:** By motion unanimously approved, the Board rescinded its February 20<sup>th</sup> recommendation to Council regarding proposed revisions to the Zoning Ordinance on this issue. The Board then considered Draft Ordinance No. 2006-01-PB1 in light of the Town Attorney's opinion dated March 20, 2006 and concluded that dimensional requirements that applied to the Duck Woods Country Club and Kitty Hawk Elementary School, despite differing conditions, (topography, use, etc.), should be applied to churches, and, by motion, adopted 4-1, amended the draft ordinance accordingly. The Board did not agree that churches should be a permitted use but felt churches should remain a conditional use allowed only in R-1, (Low Density Residential), districts, similar to other community facilities, e.g. fire stations, country clubs, community centers, etc. The Board was concerned that recommending adoption of dimensional requirements for churches in order to comply with the Town Attorney's opinion, could

result in the construction of massive structures in R-1 districts, as well as set an undesirable precedent.

2. **LDA 2006-03-01 – The Marketplace – Movie Theater Conversion:** Within the existing building, this project reconfigures two existing theaters at the west end of the Marketplace Shopping Center into three retail stores. Noting that entry to the Marketplace area would be temporarily curtailed by a construction staging area in front of the building, thereby increasing traffic exiting at the light, Board members recommended re-marking the exit lanes to US 158 and suggested the contractor insure the staging area could be penetrated by emergency vehicles and personnel. Subsequently, the Board, by motion, unanimously recommended the site plan be approved by Council.

**Other Business:**

1. **Proposed Ordinance No. 2006-03-PB3 – Lot Coverage:** Raised for discussion purposes only, the Board reviewed Staff proposed language that retained the 30% lot coverage requirement in the RS-1 district, and attempted to clarify what is included in lot coverage calculations. Board members provided suggestions to Staff. A revised proposed ordinance will be presented for discussion, and perhaps action, at the next Board meeting.
2. **Hazard Mitigation Plan Committee Proposal –** In a Powerpoint presentation, M. Hejduk provided an excellent overview of the need to actively pursue efforts to mitigate damage from intense storms in Southern Shores. Copies of a draft proposal outlining proactive activities and related information were provided to the Board for review and recommendations.
3. **Code Enforcement** updated the Board regarding progress on several approved projects, stating that the new East Carolina Bank facility was nearing completion and noting that the location of the multi-use path provided adequate room for a right turn lane, (recommended by the Planning Board and approved by Council), from Juniper to U.S. 158. The Chairman will pursue the status of funding for this project with Council.

**Other Items:** Chairman Groff stated he would be on travel during the Council Workshop on April 25<sup>th</sup>, the Council Meeting on May 2<sup>nd</sup> and the Council Workshop on May 23<sup>rd</sup>. He commented that he was not seeking reappointment to the Board.

**Announcements:**

Workshops: Thursday, March 23<sup>rd</sup> and Thursday, March 30<sup>th</sup>, 1:00 PM;  
Pitts Center.  
Next regular meeting: Monday, April 17, 2006; 7:00 PM; Pitts Center.

**Adjournment:** Upon motion, the Planning Board meeting adjourned at 9:50 PM.